

UNITED STATES DISTRICT COURT

for the
Eastern District of Michigan

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Bank of America, 13403 West 7 Mile Road,
Detroit, Michigan; Safe Deposit Box No: 00453 00361-6

Case: 2:13-mc-50938 (B)
Judge: Cohn, Avern
RE: SEALED MATTER (EOB)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Michigan
(identify the person or describe the property to be searched and give its location):
See ATTACHMENT A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

I hereby certify that the foregoing is
a true copy of the original on file in this
Office.

I find that CHIEF U.S. DISTRICT COURT testimony, establish probable cause to search and seize the person or property.
EASTERN DISTRICT OF MICHIGAN

YOU ARE COMMANDED to execute this warrant on or before

6-27-13

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

JUN 13 2013

☐ until, the facts justifying, the later specific date of _____.

DAVID R. GRAND

Date and time issued: June 12, 2013

Judge's signature

City and state: Detroit, Michigan

Honorable David R. Grand, United States Magistrate Judge
Printed name and title

ATTACHMENT A

LOCATION TO BE SEARCHED

Bank of America, 13403 West 7 Mile Road, Detroit, Michigan; Safe Deposit Box No: 00453 00361-6 in the name of LaCresha A. Ware. The Bank of America building is a two-story, beige, painted brick building. There is a red sign with "Bank of America" in blue letters. The bank is bordered to the west by Hartwell Street and to the East by Snowden.

ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized are evidence relating to one or more violations of Title 18, United States Code, Section 1512(c) (obstructing and impeding and attempting to obstruct and impede an official proceeding of the United States), Section 371 (conspiracy to do the same), and Section 1952(a)(1) (interstate travel with intent to distribute proceeds of an unlawful activity), and items and property designed or intended to commit such violations, including:

- (a) Amounts of currency of more than \$5,000;
- (b) Cashier's checks, money orders, certificates of deposit, or checks in amounts of more than \$5,000;
- (c) Correspondence and notes involving directions and information to conduct business and financial transactions;
- (d) Bank records, deposit records, records relating to the purchase, transfer or deposit of cashier's checks, money orders, or other financial instruments, including accounts held and transactions conducted in nominee names;
- (e) Credit card records of purchases, including travel and related expenses in the names of LaCresha Ware and Bobby Ferguson;
- (f) Records of shell or front companies utilized by Ferguson, including but not limited to: a) GB Utilities; b) River Place Management, LLC; c) Effective Management Services Group, LLC; and d) Ware Consulting LLC.
- (g) Travel records, itineraries, ticket and baggage records relating to the travel of LaCresha Ware;
- (h) Safe deposit box records, safe deposit keys, and safe deposit rental agreements;
- (i) Asset purchase records, title documents, property tax statements, mortgage, deed and loan records, vehicle purchase and lease records, boat purchase and lease records; and
- (j) Photographs of co-conspirators and photographs of assets that could be subject to seizure and forfeiture.

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 (Briefly describe the property to be searched
 or identify the person by name and address)
 Bank of America, 13403 West 7 Mile Road,
 Detroit, Michigan; Safe Deposit Box No: 00453 00361-6

Case: 2:13-mc-50938 (B)
 Judge: Cohn, Avern
 Filed: 06-13-2013 At 09:27 AM
 RE: SEALED MATTER (EOB)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See ATTACHMENT A.

located in the Eastern District of Michigan, there is now concealed (*identify the person or describe the property to be seized*):

See ATTACHMENT B.

The basis for the search under Fed.R.Crim.P.41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 18 U.S.C. §§ 1512(c) and 371
 18 U.S.C. § 1952(a)(1)

Offense Description
 Obstruct/impede & conspiracy to obstruct/impede official U.S. proceeding
 Interstate travel with intent to distribute the proceeds of an unlawful activity

The application is based on these facts:

See attached AFFIDAVIT.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
 I hereby certify that the foregoing is
 under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.
 a true copy of the original on file in this
 Office.

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF MICHIGAN

BY: 

Deputy

Sworn to before me and signed in my presence.

Date: June 12, 2013

JUN 13 2013

City and state: Detroit, Michigan*Applicant's signature*

EPA Special Agent Carol Paszkiewicz

Printed name and title

DAVID R. GRAND

Judge's signature

Honorable David R. Grand, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

LOCATION TO BE SEARCHED

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ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized are evidence relating to one or more violations of Title 18, United States Code, Section 1512(c) (obstructing and impeding and attempting to obstruct and impede an official proceeding of the United States), Section 371 (conspiracy to do the same), and Section 1952(a)(1) (interstate travel with intent to distribute proceeds of an unlawful activity), and items and property designed or intended to commit such violations, including:

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- (i) Asset purchase records, title documents, property tax statements, mortgage, deed and loan records, vehicle purchase and lease records, boat purchase and lease records; and
- (j) Photographs of co-conspirators and photographs of assets that could be subject to seizure and forfeiture.

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANTS**

INTRODUCTION

I, Carol Paszkiewicz, being duly sworn under oath, state as follows:

1. I am a Special Agent with the U.S. Environmental Protection Agency, Criminal Investigation Division and have been so employed for over fifteen years.
2. In my capacity as a Special Agent with the U.S. Environmental Protection Agency, I have conducted and participated in criminal investigations into public corruption, fraud, money laundering and other related crimes. I am a graduate of the Criminal Investigator's Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia and have also attended advanced training related to conducting complex criminal investigations.
3. I make this affidavit based upon personal knowledge from witness interviews, trial testimony, review of documents and other materials obtained by subpoena and recovered during search warrants and law enforcement surveillance, as well as from reports and information provided to me by other law enforcement agents, officers and investigators.
4. Since at least January of 2009, I have been the co-case agent on two separate federal investigations being conducted by the Federal Bureau of Investigations, Internal Revenue Service, Federal Deposit Insurance Corporation, U.S. Department of Housing & Urban Development and the U.S. Environmental Protection Agency, Criminal Investigation Division, involving Bobby W. Ferguson and others. These investigations have resulted in two indictments charging Mr. Ferguson with Conspiracy, Bid Rigging, Mail Fraud, Wire Fraud, Bribery, Extortion and Racketeering, among others. I am the sole agent which has been involved in both investigations. One of these cases, a large corruption trial charging Bobby Ferguson and former Detroit Mayor Kwame Kilpatrick, resulted in convictions of

both former Mayor Kilpatrick and Bobby Ferguson (the RICO case). A jury convicted Ferguson of seven counts of extortion, one count of RICO conspiracy, and one count of bribery. The other case against Ferguson is pending a re-trial after a mistrial in the spring of 2012. Ferguson is currently detained pending his sentencing.

LOCATIONS TO BE SEARCHED

5. This affidavit is in support of applications for search warrants for the following locations:
 - a. Condominium Unit 5I, 300 Riverfront Drive, Detroit, Michigan. The subject unit is located in Building 300 in the Riverfront Towers complex, located at 1001 W. Jefferson Avenue to the south of the intersection with Sixth Street. 300 Riverfront Drive is a concrete residential tower containing approximately 29 floors and is accessed through a secured gate leading to a common lobby on the first floor of the building. The subject unit is located on the fifth floor of Building 300. The number "5I" is visible on the front door of the unit, which opens onto a common hallway accessible from the main elevator bank (hereinafter, "Subject Location #1").
 - b. Bank of America, 13403 West 7 Mile Road, Detroit, Michigan; Safe Deposit Box No: 00453 00361-6 in the name of LaCresha A. Ware. The Bank of America building is a two-story, beige, painted brick building. There is a red sign with "Bank of America" in blue letters. The bank is bordered to the west by Hartwell Street and to the East by Snowden (hereinafter, "Subject Location #2").

ITEMS TO BE SEIZED

6. The items to be seized from the Subject Locations are evidence relating to one or more violations of Title 18, United States Code, Section 1512(c) (obstructing and impeding and attempting to obstruct and impede an official proceeding of the United States), Section 371 (conspiracy to do the same), and Section 1952(a)(1) (interstate travel with intent to

distribute proceeds of an unlawful activity), and items and property designed or intended to commit such violations, including:

- (a) Amounts of currency of more than \$5,000;
- (b) Cashier's checks, money orders, certificates of deposit, or checks in amounts of more than \$5,000;
- (c) Correspondence and notes involving directions and information to conduct business and financial transactions;
- (d) Bank records, deposit records, records relating to the purchase, transfer or deposit of cashier's checks, money orders, or other financial instruments, including accounts held and transactions conducted in nominee names;
- (e) Credit card records of purchases, including travel and related expenses in the names of LaCresha Ware and Bobby Ferguson;
- (f) Records of shell or front companies utilized by Ferguson, including but not limited to: a) GB Utilities; b) River Place Management, LLC; c) Effective Management Services Group, LLC; and d) Ware Consulting LLC.
- (g) Travel records, itineraries, ticket and baggage records relating to the travel of LaCresha Ware;
- (h) Safe deposit box records, safe deposit keys, and safe deposit rental agreements;
- (i) Asset purchase records, title documents, property tax statements, mortgage, deed and loan records, vehicle purchase and lease records, boat purchase and lease records;
- (j) Photographs of co-conspirators and photographs of assets that could be subject to seizure and forfeiture; and
- (k) As to Subject Location #1 only, the residence of LaCresha Ware, an Apple I-Pad belonging to LaCresha Ware and cellular telephones used by Ware with the numbers (313) 676-2133, (313) 215-1521, (313) 220-0716, and (734) 681-0643 may be searched for evidence of any of the items described in subparagraphs (a)-(j) above.

PROBABLE CAUSE

Underlying Corruption Case

7. On March 11, 2013, following a six-month jury trial, Bobby Ferguson was convicted along Kwame Kilpatrick, the former Mayor of Detroit, of one count of RICO conspiracy, seven counts of extortion, and one count of bribery, in violation of Sections 1962(d), 1951 and 666 of Title 18. On that same day, the trial judge remanded Ferguson into the custody of the U.S. Marshals. I was one of the two lead case agents on the case, which involved years of investigation prior to trial.¹
8. The racketeering conspiracy and extortion convictions were based in large part on a scheme by Ferguson and the former Mayor to extort businesses to pay millions of dollars to Ferguson in order to get and maintain City of Detroit water contracts. My investigation revealed that Ferguson received at a minimum \$83 million in revenues from extorted contracts between 2002 and 2010. The federal government has seized approximately \$2 million in liquid assets from Ferguson, including monies located in his mother Annie Ferguson's accounts. Given the amount of extorted revenues, I believe that additional extortion proceeds exist. I know from the investigation detailed below that Ferguson has taken steps to hide monies and properties that likely came from his extortion scheme.

Summary of Ongoing Criminal Activity

9. As explained in detail below, based my historical investigation and my review of recorded jail conversations since March 11, 2013 when Ferguson was convicted and remanded into custody, I have probable cause to believe that Ferguson, with the help of

¹ I was also one of the case agents in a separate federal investigation and indictment of Ferguson involving Ferguson's fraud in connection with a federally funding housing project.

his girlfriend LaCresha Ware,² and his mother Annie Ferguson, is hiding proceeds from his extortion scheme from the federal government and obstructing the ongoing forfeiture proceedings, in violation of Title 18, United States Code, Sections 1512(c) and 371. I also have probable cause to believe that in April of 2013, Ferguson's mother Annie Ferguson obtained monies or monetary instruments from a safety deposit box in Alabama. I have further cause to believe that Ferguson directed LaCresha Ware ("Ware") to travel from Michigan to Alabama to obtain the money or financial instruments from Annie Ferguson and bring it back to Michigan for Ferguson's use, in violation of Title 18, United States Code, Section 1952(a)(1). Moreover, based on the information described herein, I have probable cause to believe that evidence of these violations will be found at the Subject Locations.

Ferguson's Knowledge of the Forfeiture Proceedings

10. I know from my investigation that Ferguson is aware, and has been aware for over two years, of ongoing proceedings by the government to recover the proceeds of his illegal activities. On December 15, 2010, Ferguson was charged in a First Superseding Indictment with RICO, extortion and bribery (the RICO case). The First Superseding Indictment contained forfeiture allegations which formally notified Ferguson that the government sought to judicially forfeit all the property and proceeds that he obtained or derived as a result of his illegal activities alleged in the RICO case.
11. On or about November 16, 2011, as a result of its continuing investigation in the RICO case, the FBI seized approximately \$460,000, as well as numerous pieces of Ferguson's construction equipment worth in excess of approximately \$450,000.

² In addition to being his girlfriend, Ware was involved in Ferguson's business, Ferguson Enterprises, Inc. In fact, in April of 2009, Ferguson entered into a written agreement with a business associate which provided that in the event of Ferguson's "incapacitation" that Ware be established as an additional signatory on all of FEI's checks and/or payments in excess of five hundred dollars.

12. Later, in March 2012, the government filed a Forfeiture Bill of Particulars listing specific currency, equipment and real property sought to be forfeited from Ferguson upon his conviction in the RICO case.
13. On February 25, 2013, Ferguson signed a stipulation in which he agreed to forfeit all right, title and interest in the money and property listed in the Forfeiture Bill of Particulars upon his conviction of any of the charges against him in the RICO case.³
14. Most recently, in March 2013, Seizure warrants were authorized by the U.S. District Court, Eastern District of Michigan. These warrants authorized the U.S. government to seize funds from two accounts at Frontier Bank in Alabama as well as from an EquiTrust Annuity Contract, all of which were in the name of Annie R. Ferguson. The affidavits filed in support of the warrants were placed under seal and remain so to this day. As a result of these seizure warrants, the FBI seized over \$650,000 from accounts in the name of Annie Ferguson, Ferguson's mother, which were linked to Ferguson in connection with the RICO case. Counsel for Ferguson was notified of these seizures on March 20, 2013.
15. In a call between Ferguson and Ware on April 19, 2013, the two appear to discuss the most recent forfeiture and make reference to the sealed forfeiture affidavit. During this call, Ferguson indicates that Ware will need to go "get the stuff" (which I believe refers to money or monetary instruments) from Annie Ferguson, who lives in Alabama.

Ferguson: How'd it go yesterday? [*In an earlier call I listened to, Ware, in coded language, told Ferguson she was going to meet with Ferguson's attorney Gerald Evelyn*]

Ware: Good

Ferguson: Did they know anything about, um, your Auntie? (*I know from other calls "Auntie" is code for Annie Ferguson.*)

³ The stipulation states that forfeiture proceedings will be stayed until Ferguson's appeal is completed.

Ware: No, she just told me. What I need to do what she needs to do. I gonna have to go talk to her [*Annie Ferguson*] to get the stuff.

Ferguson: Say it again what you have to do what who had to do what I have to do?

Ware: No, not you. What (cough) Auntie [*Annie Ferguson*] got to get together. Just to show...

Ferguson: Do they know which ones it is?

Ware: Uh um yeah you want to know that name of the place? [*Bank*]

Ferguson: Uh uh

Ware: Yeah but there's no details though cause it's all sealed. [*I believe Ware is referring to the sealed affidavit for the seizure warrant*],

Ferguson: Oh okay so what kinda law is that you gotta tell what you're doing to a person don't they?

Ware: They're requesting it. Yeah they requesting it. So they got the they know the name of the place [*the bank*] but that's all they know.⁴

Ferguson: Alright you can call and deal. You can call and ask them [*Ferguson's attorneys*] that. And then tell them to send you what they got on that. [*I believe Ferguson is directing Ware to attempt to obtain additional information from his attorneys regarding the seizures.*]

Ferguson Concealed His Extortionate Proceeds

16. Evidence at the trial proved Ferguson concealed extortion payments related to a \$60 million City of Detroit water contract. The jury convicted him and the former Mayor of Detroit of extortion in connection with this contract. Evidence was presented at trial which showed that Ferguson directed the extorted company to pay him \$1.7 million in

⁴ The names of financial institutions and corresponding account numbers comprised the only information relating the seizures that was not sealed.

funds via a front company, A&F Environmental/Johnson Consultants. Ferguson created a false invoice to justify the payments.

17. Another example of Ferguson concealing extortion payments, which was also presented at trial, occurred when Ferguson directed the principals of that same extorted company to pay Xcel Construction Services (a company Ferguson controlled but which was in the name of others) "management fees" for a multi-million dollar City water contract. Ferguson used Xcel to accept the extortion payments.
18. I also know from my investigations that Ferguson also used a company called "River Place Management LLC," which was owned in the name of a nominee, Tyrone McMillian, to purchase real property, including Subject Location #1. Ferguson used the proceeds from the extortion with which he stands convicted to buy Subject Location #1.
19. In yet another example, Ferguson used a front company called "Urban Development" to purchase a high rise building in Detroit, using monies he obtained from his extortion scheme.

Ferguson's History of Using Residences and Businesses in Others' Names to Conceal His Proceeds

20. My investigation of Ferguson demonstrates that Ferguson uses residences and businesses which are owned in the name of nominees to store cash and monetary instruments. For example, on September 8, 2010, a federal search warrant was executed at Subject Location #1, 300 Riverfront Place, Unit 5I, Detroit, Michigan. There, agents located and seized cashier's checks totaling \$208,000, along with bank records, incorporation documents, and records belonging to Ware and Ferguson.
21. As a part of this investigation, I have reviewed title and real property records that demonstrate that Bobby Ferguson purchased Subject Location #1 and placed it in the name of a nominee, River Place Management. Tyrone McMillian is the registered agent of River Place Management, and McMillian signed the purchase agreement. McMillian has admitted that the condo really belonged to Ferguson but that Ferguson asked him to place it in the name of River Place Management.

22. On a March 12, 2013, jail call Ferguson and Ware discussed the condo. Ferguson assured Ware that the government "can't mess with" the condo "until after the appeal is over with" and that Ware "ain't got to worry..."⁵
23. During the September 2010, search of Subject Location #1, agents located personal belongings of Ware's and observed and photographed pictures of Ware and Ferguson which were on display at the residence. After entering the condo they found Bobby Ferguson present in the bedroom. Also observed in the unit by agents was a wall which had the initials "BW" painted on it (Ferguson's first and middle initials and also one of his nicknames). Bobby Ferguson's personal belongings were also found in Subject Location #1, including Ferguson's expired driver's license and a City of Detroit issued identification card bearing Ferguson's photograph. A home video of Ferguson and Ware was also discovered at the location.
24. Another federal search warrant was executed that same day, September 8, 2010, this one at 25495 Saint James, Southfield, Michigan, a townhouse residence. Property records, corporate filing documents and banking records indicated that Mr. Ferguson used his associate Shakib Deria as the nominee owner for the residence. Mr. Deria later confirmed that Mr. Ferguson used this property as one of his residences. Agents located a safe behind a clothes dryer in the laundry closet. Agents found and seized \$275,000.00 in cash and five cashier's checks totaling \$500,820.00. The cashier's checks were made payable to Ferguson's company, Ferguson Enterprises Inc. Also seized during the search were airline tickets issued in Ferguson's name.
25. On still another occasion, January 15, 2009, a federal search warrant was executed at the Xcel Construction Services office in Detroit. Ferguson controlled Xcel, but used subordinates to own it on paper. Upon entering the offices, agents saw Bobby Ferguson sitting behind his desk in the executive office of Xcel. Agents discovered a safe which

⁵ The condominium (Subject Location #1) is specified in the forfeiture bill of particulars as an asset subject to forfeiture.

was concealed behind a panel on the wall between Bobby Ferguson's office and the attached bathroom. Ferguson was asked to open the safe, which he did. Inside of the safe, agents found over \$261,000.00 in U.S. currency. Much of the cash was still in bank straps. This money was seized and forfeited.

26. I have reviewed bank records which show that Ware was paid personally and through a company called "Ware Consulting LLC" by a company called "GB Utilities."
27. All of the currency and financial instruments listed above were listed in the Forfeiture Bill of Particulars as assets subject to forfeiture. In the Stipulation signed by Ferguson he has agreed to forfeit these assets upon conviction in the RICO case.

Ware's involvement in hiding proceeds from the Extortion

28. In July of 2010, a check payable to Ferguson in the amount of \$38,000.00 was deposited into a PNC Bank account in the name of LaCresha Borgus.⁶ The check was endorsed by Ferguson and Ware. The investigation showed that the ultimate source of the funds of this check constituted extorted proceeds that Ferguson obtained from Lakeshore Engineering Services. Additional funds were comingled into this account, and eventually converted into PNC Cashier's Check No. 288201, made payable to LaCresha Borgus, in the amount of \$60,000.00. This cashier's check was subsequently seized by the FBI pursuant to a seizure warrant. The funds attributable to that cashier's check are listed in the Forfeiture Bill of Particulars as an asset subject to forfeiture which Ferguson has now stipulated to its forfeiting.
29. On October 19, 2010, a cashier's check in the amount of \$38,003.45 was purchased using funds from a Ferguson Enterprises Inc. Bank of America account and made payable to GB Utilities. This cashier's check was then deposited into a Fifth Third Bank account in

⁶ "LaCresha Borgus" is the maiden name of LaCresha Ware. On or about August 26, 2009, Ware obtained a driver's license in Maryland in the name of LaCresha Borgus. On or about the same day, she opened a PNC account in the name of LaCresha Borgus. I know from my investigation that Ware was in fact residing in Michigan and an employee of Ferguson Enterprises Inc. and Ferguson's girlfriend at the time.

the name of GB Utilities. Bank records show that the signatory on the account is LaCresha A. Ware. On October 12, 2010, a check from Walbridge related to Ferguson Enterprises Inc.'s involvement in an extorted DWSD contract, was deposited into the Ferguson Enterprises Inc. Bank of America account. Ferguson was convicted of extortion related to this contract and thus any proceeds from it are considered subject to forfeiture. Pursuant to a seizure warrant, \$22,403.45 has been seized by the FBI from the GB Utilities account and the forfeiture of these monies has been stipulated to by Ferguson.

Ferguson's Use of the Telephone from Jail

30. During this investigation, I have listened to dozens of recorded telephone calls between Bobby Ferguson and LaCresha Ware as well as between Bobby and Annie Ferguson. Annie Ferguson is Bobby's mother who resides in Alabama. I have also listened to numerous telephone calls between Bobby Ferguson and other relatives including his wife, Marilyn Ferguson, and their adult children, including Bobby Wesley Ferguson Junior and Brittany Ferguson, as well as other relatives and friends. These phone calls were recorded by staff at the Milan Federal Correctional Institution and the Wayne County Jail.
31. Based on these conversations and other investigative techniques I have learned that Bobby Ferguson, LaCresha Ware and Annie Ferguson, have been utilizing aliases when communicating with each other regarding certain matters. The following is a summary of the aliases used and the true identity of the individual being discussed:
 - a. Bobby Ferguson and Ware refer to Annie Ferguson as Ware's "Auntie."
 - b. Bobby Ferguson and Annie Ferguson refer to Ware as "Angie" and "Angel."
32. The participants in these conversations, including Bobby Ferguson, Ware and Annie Ferguson, appear to use coded language in their discussions. I have listened to calls in which Bobby Ferguson advises his mother (Annie Ferguson) that the calls are being recorded and that they have to limit what they discuss. I believe that Ferguson, Ware and Annie Ferguson are using coded language to prevent law enforcement authorities from

learning that they are working together to conceal and access Ferguson's unlawful proceeds.

33. An example of this is contained in a call on April 7, 2013, during which Annie and Bobby Ferguson discuss the fact that their conversation is being recorded and that they have to be cautious about what they discuss:

Annie: Well anyway.....but you talking on the phone, can anybody hear you talking?

Ferguson: Oh yeah they record everything we talk about.

Annie: Oh

Ferguson: That's why I told you you can't talk to me on this phone. Yeah.

Annie: yeah that's about it

Ferguson: I can just imagine what you gonna say but um just talk to um Angie [Ware] about with about the attorneys probably something you're talking about.

Annie: Yeah I said I'd call her and she don't call me.

34. In a call on March 12, 2013, Ferguson provided Annie Ferguson with phone numbers for "Angie" [Ware]. Ferguson provided Annie with two numbers associated with Ware, (1) 313-676-2133 and (2) 313-215-1521. According to records obtained during this investigation telephone number 313-676-2133 belongs to "GB Utilities" located at 11000 West McNichols, Suite 206, Detroit, Michigan.⁷ According to records obtained during this investigation telephone number 313-215-1521 belongs to LaCresha Ware, with an address of 3320 Spinnaker Lane, Unit 7D, Detroit. Ware listed this address on her most recent State of Michigan Driver's License.

Annie Ferguson Accesses A Safe Deposit Box

35. Safe Deposit Box No. 14061 at the Cadence Bank branch located at 126 N. Broadway Ave, Sylacauga, Alabama has been rented in the name of Annie R. Ferguson since

⁷ Articles of Incorporation filed with the State of Michigan list Ware as the "managing member" for GB Utilities listing 3320 Spinnaker Lane #7D, Detroit, Michigan, as her address.

February 18, 2004. Annie Ferguson's home address of 887 Odena Road South, Sylacauga, Alabama and home telephone number are on the lease documents for the Safe Deposit Box.

36. In a call on April 5, 2013, Ferguson told his mother Annie to deal with Ware and not to talk to anyone. Without being specific, and appearing to talk in code, Ferguson told his mother that Ware was "dealing with all of it."
37. On an April 7, 2013 jail call between Ferguson and his mother discuss a card and letter that Ferguson sent her. Annie acknowledged that she understood that Ware would soon be traveling to Alabama.
38. Two days later, April 9, 2013, according to bank records, Annie Ferguson accessed the safe deposit box in her name. It had been over two years since the box had last been accessed.⁸
39. On April 11, 2013, two days after Annie Ferguson accessed the Safety Deposit Box, Ferguson and Ware discuss the fact that Annie Ferguson is "worried to death."

Ferguson: Junior [*Bobby Ferguson Junior*] came up here [*Prison records that Bobby Ferguson Junior visited his father on April 11, 2013*].

Ware: I know. Well I didn't know he came up here I know he there.

.....

⁸ The last time the safe deposit box had been accessed was January 3, 2011. At the time, Ferguson was present in Alabama. According to Ferguson's credit card records, he traveled from Detroit to Sylacauga, Alabama between December 25, 2010 and January 7, 2011. Bank records show that before Ferguson left for Alabama, he withdrew \$9,000 in cash from one of Ferguson Enterprises, Inc.'s accounts. Ferguson's credit card records show that he charged various items in and around Sylacauga, Alabama between December 26, 2010 and January 4, 2011.

Ferguson: But that aint' what I'm talking about. You know. He [*Bobby Jr.*] talked to Grandma [*Annie*] and she's worried to death.

Ware: I know. That's why I said I gotta call her.

Bobby: You gotta call her and calm her down. And tell her to quit talking to people.

Ware: Ok. I know

Ware Travels From Michigan to Alabama

40. Telephone conversations between Ferguson and Ware indicate that Ware traveled to Sylacauga, Alabama at some point in or around April 24, 2013 to April 26, 2013. Specifically, I listened to a call between Ferguson and Ware from May 12, 2013, in which Ware acknowledged she went to see Ferguson's granddaughter who I know was in Alabama at the time. Ware also told Ferguson that his son, Bobby Jr., who I know from calls was also in Alabama at the time, drove her to the airport. Moreover, Ferguson asks Ware what happened between Ware and members of Ferguson's family when she was "down there."

41. On April 23, 2013, Ferguson and Ware discuss Ware coming to visit Ferguson while he was being held in the Wayne County Jail. In their conversation Ware and Ferguson discuss the need for Ware to visit so they can talk.⁹ Prisoners commonly know that their in-person visits are not recorded, unlike their telephone calls. Ferguson indicates he needs to talk to Ware in person because of a topic that is "untalkable" in this conversation:

Bobby: You gonna come see me tomorrow?

Ware: Ok.

⁹ I reviewed jail records and they indicate that Ware visited Ferguson while he was in the Wayne County Jail on April 20, 22, 23, 2013, as well as on May 25, 27, 28, 30, 2013, and June 1, 2, and 3, 2013.

Bobby: So we can talk?

Ware: Right yep

Ferguson: Alright I'm gonna let you do what you do. You got something to tell me that you can tell me? You know your memory, it's terrible.

Ware: I had a note on me today but uh uh.¹⁰

Bobby: What's on the note you can talk about – nothing?

Ware: Nothing.

Bobby: Okay, **untalkable**.

Ware: Yes it ain't nothing pressing no way. Just going over the stuff I was working on so...

Bobby: Talk to your auntie? [*Annie Ferguson*]

42. In the April 24, 2013 call, Ferguson and Ware discuss the need for Ware to "take care of" Annie Ferguson and someone Ferguson refers to as "Donald Duck," whom I believe from records to be Donald Nix, a relative of Ferguson's who lives in Alabama. The following transcription shows that Ware has or will have possession and control of cash and/or monetary instruments and that Ferguson is directing her with what to do with a portion of it in the future:

Ferguson: Yeah so, it ain't no situation, so it worked itself out. Umm so you'll work the rest out with taking care of your Auntie [*Annie Ferguson*] and then Donald Duck [*Donald Nix*] and....we're gonna play that half for a minute too. It don't look right. Then anybody could say alright go ahead.

Ware: Okay.

Ferguson: But right now I think we can handle it don't you?

¹⁰ In several jail calls, Ware tells Ferguson she is at home (Subject Location #1) and has "notes" with her regarding Ferguson's instructions.

Ware: Yep uh huh.

Ferguson: Alright I thought so. So ahh (U/I)

Ware: I'm good.

Ferguson: I know. Just make sure you do what I said. Do with your check.¹¹ I don't care what (U/I)... You're gonna have to you know struggle but that needs to be only a emergency. You need to continue to do what I asked you to do with that for them kids.

Ware: That's exactly what I've been doing.

Ferguson: Cause at the end of the day it's gonna add up.

Ware: I know.

Ferguson: Everything you took away to survive gonna be sitting there...(U/I)... Especially as many damn hours as you work. *(I believe "everything you took away" refers to the money/monetary instruments Ware took or will take from Annie Ferguson).*

Ware: uh huh

Ferguson: So you gonna be...so I just want you to know it's going to be a perfect for them. You don't have do nothing with it right now just hold on to it till you get it where you want it and then maybe invest half of it for them under their name or something. *[I interpret this statement to be Ferguson expressing his plans to have Ware invest half of what she was given by Annie Ferguson].*

¹¹ I believe Ferguson is referring to Ware's paycheck. FBI personnel conducting surveillance observed Ware parking in a U.S. Post Office employee parking lot in Detroit.

43. On April 26, 2013, Ferguson received an email from his daughter Brittany Ferguson, in which she told Ferguson that Ware had been to see her and the baby¹². I know from my investigation that Brittany Ferguson was residing in Alabama at the time.
44. On May 4, 2013, upon her return from Alabama, Ware accessed a safety deposit box in Detroit, Michigan at the Bank of America. (Subject Location #2). Ware originally opened this safe deposit box on June 6, 2011 and listed an address associated with Effective Management Services Group, LLC, a company I believe to be a front for Ferguson. According to records, Ware last accessed the safe deposit box on March 15, 2012.
45. On May 5, 2013, the day after Ware accessed her Detroit Safe Deposit Box (Subject Location #2), Ferguson and Ware had a conversation where Ferguson, without being specific, asked if Ware had "everything worked out."

Ferguson: You all get everything worked out?

Ware: Uh huh, yeah. Yeah uh huh.

Ferguson: Alright good good.

46. On May 8, 2013, four days after Ware accessed her safe deposit box in Detroit (Subject Location #2), she assured Ferguson that everything was under control.

Ferguson: Talk to your Auntie [*Annie Ferguson*]?

Ware: Oh no I gotta call today.

Ferguson: Oh. Straighten all that out?

Ware: I called they must have been gone. Uh huh yep everything is working

Ferguson: That's good.

Ware: Everything is under control (unintelligible)

Ferguson: Good good good she [*Annie*] was worried.

Ware: I know.

¹² In this email Brittany Ferguson referred to Ware using a nickname which I know to be Ware.

Cellular Telephone Information

47. My investigation has uncovered that Ferguson is contacting Ware at several different cellular numbers, including (313) 220-0716, (734) 681-0643, (313) 215-1521 and (313) 676-2133. According to telephone records, the number (313) 220-0716 is subscribed to "Bobby F" with the billing address listing the offices of Ferguson Enterprises Inc. Ferguson has called Ware at this number from prison.
48. According to records obtained from Google, the subscriber for telephone number 734-681-0643 is listed as first name "b" last name "w" with an email address of bwfeiteam@gmail.com. This number is frequently called by Mr. Ferguson to contact Ms. Ware from the Milan FCI and Wayne County Jail.
49. The day after he was remanded into custody, Ferguson in a jail call with Tyrone McMillian, directed McMillian to give Ferguson's cell phone to Ware. Based on my review of records I believe it was the cellular phone (313) 220-0716.

Other Pertinent Facts

50. Over the course of several days in late May, 2013, surveillance was conducted by FBI personnel on Ware which revealed that she appeared to be residing at 300 Riverfront Drive, Detroit, Michigan.
51. On May 10, 2013, SA David Hunt interviewed Carmen Stiger, Manager, Riverfront Condominium Association who informed him that Ware and her children are currently living at 300 Riverfront Drive, Detroit, MI, in Unit 5I. (Subject Location #1). Stiger was again interviewed on May 24, 2013 and informed SA Hunt that she had seen Kiera Ware, daughter of LaCresha, in the condo building the day prior. Stiger also confirmed with her security staff that Ware drives a black Chevrolet extended cab pickup truck.
52. In late May 2013, FBI personnel observed Ware driving a newer model black Chevrolet Silverado. The vehicle had what appeared to be a paper license tag in the back window

however it was unreadable due to the tinting on the windows. The vehicle also had a Les Stanford Chevrolet license plate holder affixed to the rear bumper. Records from Les Stanford Chevrolet reveal that the same make and model vehicle was purchased by Annie Ferguson in February 2013.

53. On April 10, 2013, in a jail call with Ware, Ferguson told Ware to download the contents of his phone to her I-Pad.

Ferguson: Were you able to get anything out yet? The other stuff?

Ware: uh huh

.....

Ferguson: Call Flood [*one of Ferguson's attorneys*] and tell him it's me. It's on the phone. Did you get my phone?

Ware: No

Ferguson: You might as well and then cut it off.

Ware: Oh he using it.

Ferguson: I don't know why you're still holding it. I don't want to lose my information in there. I got a thousand dollars in the phone. Download the stuff onto the iPad.

Ware: I mean he might need it to be able to deal with people.

54. On May 26, 2013, in a jail call with Ware, Ferguson directed Ware to retrieve a phone from "Big Bro" and download its contents and "clear the phone."

Annie Ferguson

55. Annie Ferguson resides at 887 Odena Road South in Sylacauga, Alabama. A GMC Acadia registered to Annie Ferguson was seen by surveillance on June 7, 2013, at her residence.
56. On March 12, 2013, the day after Ferguson was remanded into the custody of the U.S. Marshall's Service, Ferguson called Annie Ferguson and discussed the need for Annie to deal with "Angie" [Ware].. In this call Ferguson tells his mother that Ware will come to Alabama, describes her as the one Annie is to deal with when it comes to whatever she

needs, including dealing with the attorneys, and not his wife Marilyn. Ferguson describes Ware as the person who has been with him on "all of this from day one" that "she know everything" and that "Nobody else knows nothing about it." When Annie questions her son "Well okay if anything with money being involved I send it to her?" Ferguson responds and tells his mother that they will handle the money the "way we did last time."

57. Also on March 12, 2013, Ferguson told Ware she needed to travel to Alabama where his mother lives. Ferguson also told Ware that he gave his mother her and her daughter's telephone numbers.

Ferguson: First thing you got to deal with that thing with my mama.

Ware: I know.

Ferguson: Um, I told her she. I gave her your number today you and Kiera's.

Ware: Okay, I'm gonna call her (UI).

Ferguson: I told her you would be dealin' with her. Attorney thing.

Ware: Okay.

Ferguson: That's why I left that note for you.

Ware: Okay.

Ferguson: So, uh, right now don't worry about it. I mean only when you have to go down there for that attorney thing.

Ware: Yeah, okay.

Ferguson: When you get to that (beeping sound) point. Hello.

Ware: Yeah.

Ferguson: When you get to that point, so. So I had told her that you gonna deal with that part.

Ware: Okay.

Ferguson: I ain't. That's all. I ain't sayin' nothin' else.

Ware: Okay.

Ferguson Evasive About Assets

58. I learned that in late May, 2013, Ferguson took part in a hearing before a U.S. Magistrate Judge Mark A. Randon to address Ferguson's claim that he could not afford an attorney for an upcoming retrial in a fraud case involving a federal housing project. The purpose of the hearing was to determine whether Ferguson had the financial resources to hire an attorney for the retrial or whether instead he qualified for court appointed counsel. During the hearing, Ferguson refused to fill out a financial affidavit or to represent to the court that he was indigent. Previously, Ferguson had been paying for several retained lawyers in two separate federal criminal cases.
59. Ferguson's unwillingness to file a financial affidavit in order to retain court appointed legal representation while contemporaneously claiming he lacks the financial ability to pay for his own attorney highlights the possibility that Ferguson has assets which are in his or another person's name and control.
60. In a call on April 24, 2013, while Ferguson was at the Wayne County Jail, Ferguson directed Ware to conduct searches looking for particular financial instruments and to show them to his attorney's at a later date, but not to give the documents to them.

Ferguson: Second thing – Your auntie [*Annie Ferguson*]...like you got chocolate doing searches for that stuff we talked about. You need to search your Auntie's name and then...was a check written from that Meyers property I believe and it was deposited to one of their accounts. But you need to search her name anyway

her and her husband's [*Homer Ferguson*] name. Especially under that Community Development Corporation¹³ company under 3D and see what comes up.

Ware: Okay.

Ferguson: I know you're going to find something. I know we thought they were looking at stuff. Find something that's written but that's the only thing I can remember. We're gonna need a copy of that. But both of us should have thought we should have done a search of her name.

Ware: Oh yeah you're right.

Ferguson: Right so search her name and her husband name. But I know you're gonna find that um Meyers..(UI)... But you can search that anything that's something you need to do. So you can see everything that comes up with her.

Ware: Okay.

61. In a follow up conversation on May 1, 2013, Ferguson and Ware discuss the results of her search and what to do with the document once she locates it. Ferguson reminds Ware that he told her to look for a check which has five (5) zeroes but not to show it to his attorneys until they get the recently filed seizure warrant unsealed. I interpret this exchange to be Ferguson's attempts to identify sources of money to possibly use for his upcoming criminal trial but that he does not want the attorneys who represented him in both cases to have the check in question until he knows which accounts were recently seized by the federal government.¹⁴

Ferguson: What else you got?

Ware: No, I talked to my auntie today. Umm that's it.

Ferguson: Oh did they ever get that other stuff to the other person...the uh

¹³ From a related investigation I know what Community Development Corporation and the Meyers property referenced by Ferguson in this call refer to a non-profit entity set up by Bobby and Marilyn Ferguson. The non-profit used state arts grant funds to purchase a duplex on Meyers Street in Detroit.

¹⁴ As of the date of this affidavit the seizure warrants which were issued in March of 2013 remain under seal.

Ware: Thursday.

Ferguson: Ahh..cool cool. Did you ever go over with him?

Ware: We're going to do it all together.

Ferguson: Alright that's cool that's cool. Did you do the search of the name and all that, find anything?

Ware: Yeah..uh uh didn't find nothing.

Ferguson: You found that one thing though didn't ya?

Ware: What one thing?

Ferguson: I told you it was a check.

Ware: I found like, like the IRA thing

Ferguson: Um huh, it's something else it was deposited as a check. For five zero's.

Ware: Oh I know yeah you know what it is I know what to look for.

Ferguson: Yeah, yeah that's the only thing I can even imagine, alright. You gotta get that, that's important just to show them that well don't show it to them nothing until the get the unsealing information. But you need to pull that. Don't do anything just hold on to it, just you don't need to make them try to figure out anything just let them see what it say. That's the best thing to do. Just hold on to it when you pull it.

Ware: And and the way I've been explaining it is that's kinda irrelevant, I mean that's going to come going to come in handy later but.

Ferguson: I gotcha you don't need to say anything. God got this.

62. Based on my years of conducting complex fraud investigations, I know that persons engaged in fraud and financial crimes tend to keep documents relating to their crimes, including bank records, articles of incorporation, invoices, receipts and correspondence, and store them for lengthy periods of time at their homes or businesses. Given prior searches of properties related to Ferguson, including those owned in nominee names, I know Ferguson and Ware have a practice of keeping at residences associated with them, records related to Ferguson's crimes, as well as illegal proceeds, including large amounts

of U.S. currency and large financial instruments including cashier's checks and certificates of deposit.

63. Based on the foregoing, I submit that there is probable cause to believe that evidence of violations of Title 18, United States Code, Sections 1512(c) and 371 (obstructing and impeding an official proceeding of the United States and conspiring to do the same) and Title 18, United States Code, Section 1952(a)(1) (interstate travel with intent to distribute the proceeds of an unlawful activity) will be found at the Subject Locations.

I swear under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

CAROL A. PASZKIEWICZ
Special Agent
U.S. Environmental Protection Agency
Criminal Investigation Division

JUN 13 2013
Subscribed and sworn before me
this 12th day of June, 2013.

DAVID R. GRAND
HONORABLE DAVID R. GRAND
United States Magistrate Judge